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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,520	03/24/2004	Yoichi Oikawa	1448.1054	3372
21171	7590	10/04/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EL SHAMMAA, MARY A	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,520	<b>Applicant(s)</b> OIKAWA ET AL.	
	<b>Examiner</b> Mary A. El-Shammaa	<b>Art Unit</b> 2883	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

Figures 13-16 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-6, 9-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (US 5,848,210).

Regarding claims 1-2, 6, 9-11, and 13, Kimura discloses a waveguide optical device module comprising an optical device with a plurality of electrodes disposed at predetermined positions; a substrate including a plurality of substrates disposed oppositely to the optical device

and with wiring patterns and further comprising a pair of side wall plates that hold the substrate on the optical device (*See Abstract*; col. 2, lines 15-44; col. 3, line 64 through col. 6, line 46).

Regarding claim 5, Kimura discloses at least one opening being formed on the substrate for passing the wiring so that the electrodes can be connected to the wiring patterns (col. 2, lines 15-44; col. 3, line 64 through col. 6, line 46).

Regarding claims 14-15, Kimura discloses a lead-through block with wiring patterns including a signal line for supplying specified signals and a ground line in communication with the ground provided on a side surface of the substrate for leading through the wiring patterns formed on the substrate and leads with free communication with the relevant wiring patterns, and a wiring that connects the wiring patterns to the wiring patterns (col. 2, lines 15-44; col. 3, line 64 through col. 6, line 46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 7-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Fujikura Ltd (JP 2000-282616).

Regarding claims 3 and 4, Kimura discloses a heating/cooling unit that performs a function selected from a group consisting of heating the optical device using self-generated heat and cooling the optical device by absorbing heat (col. 2, lines 15-44; col. 3, line 64 through col.

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6, line 46). Kimura does not disclose a soaking unit that uniformly transmits heat generated by the heating/cooling unit to an entire surface of the optical device, wherein the side wall plates are arranged on the soaking unit. Fujikura Ltd discloses a soaking unit that uniformly transmits heat generated by the heating/cooling unit to an entire surface of the optical device, wherein the side wall plates are arranged on the soaking unit (*See Abstract*). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the soaking unit of Fujikura Ltd so as to better control the temperature of the substrate. The motivation to combine is the soaking plate allows for more efficient and accurate cooling of the substrate.

Regarding claims 7 and 8, Kimura discloses the heating/cooling unit being selected from a group consisting of a heater and a Peltier element (col. 2, lines 15-44; col. 3, line 64 through col. 6, line 46).

Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura.

Regarding claims 12 and 16, Kimura discloses the claimed invention except for the substrate and side wall plates being made of ceramics and the wiring patterns being selected from a group consisting of a microstrip, a grounded coplanar, and a coplanar. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the substrate and side wall plates being made of ceramics and the wiring patterns being selected from a group consisting of a microstrip, a grounded coplanar, and a coplanar, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary A. El-Shammaa whose telephone number is 571.272.2469. The examiner can normally be reached on M-F (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*MAE*  
*September 23, 2005*

  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800